

April 14, 2004

JEFF EVERETT
1004 E KESSLER DR
SULTAN WA 98294

Subject: Complaint Filed Against Sultan Citizens Coalition – PDC Case No. 04-283

Dear Mr. Everett:

The Public Disclosure Commission staff has completed its investigation of your complaint received on October 15, 2003, alleging that Derek Boyd failed to register the political committee, Sultan Citizens Coalition for activities preceding the November 2001 election.

The PDC staff reviewed your allegations in light of the following statutes:

RCW 42.17.020 defines “political committee” but excepts an individual dealing with his own funds or property.

RCW 42.17.100 requires individuals who spend more than \$100 during the same election campaign to report their expenditures within five days of exceeding the \$100 threshold.

PDC Interpretation 02-02 clarifies that the \$100 threshold is to be applied to individual candidates or ballot measures in determining when reporting is required.

You alleged that the Sultan Citizens Coalition should have registered as a political committee because of the combined efforts of at least Derek Boyd and Ann Gerken in producing advertising preceding the November 2001 election. You further alleged that if the Sultan Citizens Coalition was not a group effort and was the sole effort of Mr. Boyd, his political advertising costs likely exceeded \$100 and should have been reported as an independent expenditure.

We found that:

- Mr. Boyd produced and distributed approximately five flyers supporting specific candidates seeking election to the Sultan City Council in November 2001. One

flyer was mailed to the residents of a local housing development and the remaining flyers were distributed door-to-door by Mr. Boyd and his family.

- Ann Gerken voluntarily assisted Mr. Boyd in writing some of the flyers. Ms. Gerken did not contribute any money to Mr. Boyd's efforts.
- Mr. Boyd paid the total costs of printing and distributing the flyers, which included the cost of paper, printing, and postage.
- Mr. Boyd does not have a record of his costs, but believes that he spent approximately \$200.
- Mr. Boyd's flyers supported at least five different candidates.

The Sultan Citizens Coalition was not a political committee. Derek Boyd, acting as an individual, produced and distributed the flyers that were credited to what Mr. Boyd called the "Sultan Citizens Coalition."

In 2002, the Public Disclosure Commission clarified that the independent expenditure report must be filed within five days of an individual spending \$100 or more on any one candidate or ballot measure. Since Mr. Boyd's flyers supported at least five different candidates and he believes he spent no more than \$200, and you have not provided any evidence to the contrary, PDC staff does not believe that Mr. Boyd has a reporting requirement. However, since the activity complained of occurred before the PDC's 2002 interpretation, PDC staff asked Mr. Boyd to file an independent expenditure report and he did so on January 21, 2004 (copy enclosed).

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the Sultan Citizens Coalition.

Sincerely,

Vicki Rippie
Executive Director

Enclosure

c: Derek Boyd